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Crime prevention and criminal justice

African Institute for the Prevention of Crime and the Treatment of Offenders

Report of the Secretary-General

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 53/113 of 9 December 1998 and updates the report submitted to the Assembly at its fifty-third session (A/53/381). It focuses on the activities of the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI), its operations and funding, and includes proposals for enhancing the capacity of the Institute to implement its programmes and activities, thus strengthening crime prevention and criminal justice systems in Africa.

2. In accordance with the mandate of UNAFRI to promote regional cooperation, coordination and collaboration in the fight against crime, especially in its transnational dimension, the Institute continued to focus its activities on pressing issues in response to the needs of African States. Nonetheless, the financial situation of the Institute greatly affected its capacity to deliver its services to African member States effectively and in a comprehensive fashion.

3. The Institute continued to receive political support from its member States, the General Assembly, the Conference of African Ministers of Finance, the Conference of African Ministers Responsible for Economic and Social Development and Planning and the Commission on Crime Prevention and Criminal Justice. The Institute established further partnerships with Governments, relevant organizations, donor countries and international agencies. Established nine years ago, UNAFRI remains the focal point of the United Nations in the African region in the field of crime prevention and criminal justice as an affiliated regional institute.

II. Programme activities

A. Governing Board

4. The Institute is preparing to hold the sixth ordinary session of its Governing Board in October 1999.

B. General direction and management

5. UNAFRI has reviewed its approach in meeting the challenges of its work. Emphasis is being placed on fostering collaborative activities and joint action to combat crime, especially in its transnational forms. At the same time, efforts have been intensified to raise the awareness of African Governments that crime impedes strategies and programmes of economic sustainability and that is a major constraint to efforts to alleviate poverty in African States. In all its activities, the Institute has given priority to data collection as a prerequisite to designing responsive and meaningful action. The information gathered has enabled UNAFRI to create useful databases relating to those issues. In addition to data collection, the Institute provided training to relevant personnel so as to upgrade the standards of their performance.

6. In view of the expanding computerization process in many African countries, UNAFRI encouraged senior officials of criminal justice systems in African countries to obtain access to the Internet, which facilitates information exchange among member States. The Institute made use of its own computer facilities and published new documents on the Internet Web server, thus allowing African States to take advantage of information the Institute provides on its home page. The Institute has widened its contacts with many agencies both on the continent and elsewhere through its electronic communication system. An increasing number of crime prevention and criminal justice agencies outside Africa used UNAFRI as a focal point for information exchange and the provision of technical advice and assistance.

7. The Institute continued to operate on a very limited budget. The Director therefore intensified his efforts to mobilize resources over and above member States' assessed contributions. In that regard, the Institute raised donor grants in relation to specific projects. The management also ensured maximum income-generation by renting its unused facilities. This policy greatly contributed to the funds required to meet the administrative operations of the Institute. Institute staff were trained by the Economic Commission for Africa (ECA) on practical methods of strategic fundraising.

8. As reported previously, the Institute has been forced to take drastic cost-saving measures, including the freezing of certain core Professional staff posts, measures that it has not yet been possible to rescind. Only with additional resources will it be possible for the Institute to reactivate the Professional posts and to reinstate staff, as directed by the Governing Board. The Director also started to explore with certain African Governments the possibility of seconding national Professionals to UNAFRI in order to strengthen the operational capacity of the Institute, in line with the relevant policies of the United Nations. ECA has also indicated its readiness over and above its continuing support to assist the Institute by examining the feasibility of sponsoring consultants for specific projects. In that context, ECA

assured favourable consideration to sponsoring a joint regional expert group meeting, which will focus on re-establishing the rule of law in situations of recovery from the ravages of civil strife.

9. The Institute established closer collaboration with the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention in order to ensure adequate reflection of the priorities of the United Nations Crime Prevention and Criminal Justice Programme in the work programme of the Institute.

10. During the reporting period, Cameroon acceded to the statute of UNAFRI to become the 29th member State of the Institute. It is also anticipated that two other African countries will ratify the statute shortly.

11. The Institute is committed to ensure that the implementation of all its activities is guided by professional excellence and, wherever feasible, to develop effective partnerships with regional, subregional and national institutions. The Institute is determined to manage its projects according to the highest standards of cost-effectiveness, based on the principles of transparency and accountability.

C. Crime prevention and criminal justice activities

12. In general, the programme activities reflect the needs of African States and are oriented towards the priority issues of the Centre for International Crime Prevention, the latter being reflected in the Centre's three global programmes against transnational organized crime, trafficking in human beings and corruption. UNAFRI is committed to assist in the regional implementation of those programmes.

1. Extradition and mutual legal assistance in Africa

13. UNAFRI is currently implementing a regional project whose aim is to develop African legal instruments on extradition and mutual legal assistance. The project was set up in response to the recommendations of the Workshop on Extradition and Mutual Legal Assistance in Criminal Matters in Africa: Exchange of Interregional Experience and Implementation of International Principles, organized by the Institute in April 1998. The project was also called for by the African Regional Preparatory Meeting for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. It is envisaged that, once developed, the instruments will allow African countries to improve cooperation with one another in order to achieve common objectives of preventing and controlling crime, especially transnational organized crime. The Institute has prepared a first draft of the instruments, taking note of relevant international, regional and subregional instruments, including the United Nations Model Treaty on Extradition (General Assembly resolution 45/116, annex) and its Model Treaty on Mutual Assistance in Criminal Matters (resolution 45/117, annex), the conventions of the Economic Community of West African States, the draft conventions of the Organization of African Unity, the Commonwealth London Scheme, the Harare Scheme and the laws of Commonwealth countries in Africa. The draft texts have been circulated among African and other experts for their input. In October 1999, the Institute will organize, in cooperation with the Government of Egypt and with the assistance of a donor agency, an expert meeting to review the documents and agree on their final texts for submission to the African States.

14. The Institute maintained and updated the regional database on African extradition and legal assistance laws and treaties, which had been set up in 1997 (http://www.unafri.or.ug).

2. Trafficking in firearms and ammunition in Africa

15. UNAFRI implemented a three-phase project on illegal trafficking in firearms and ammunition in Africa. The project was a follow-up to recommendations of the African Regional Workshop on Firearms Regulation for the Purpose of Crime Prevention and Public Safety, sponsored by the United Nations and held in Arusha in November 1997. The aim of the project is to enhance the capacities of African Governments to combat trafficking in firearms and its negative consequences for national security and development, public health and safety. Components of the project include a survey on illegal firearms trafficking in Africa, an expert meeting and a regional workshop that will consider the report of the survey and make concrete proposals for action. The project is expected to lead, *inter alia*, to the organization of training activities for law enforcement personnel, including customs officials directly involved in detection and control of illicit trafficking in firearms. The first two phases of the project will be completed by December 1999.

3. Corruption

16. The Institute designed a comprehensive project proposal, with the objective of enhancing the capacity of African States in their efforts to combat widespread

corruption by public officials in Africa. The project addresses the problem with a three-pronged approach, including hands-on and in-service training modules for public officials, law reform and the development of a regional treaty that will provide the basis for formulating effective national measures to combat corruption while taking into account legal and cultural diversities. The necessary consultations have been begun to fund the proposal.

4. Penal reform

17. For the past two years, the Institute has been involved in pilot action-oriented studies on penal reform, which have focused on the social rehabilitation and integration of former prisoners, community involvement in crime prevention initiatives, including those of non-governmental organizations, and the provision of advisory services to the Government of Uganda in connection with the introduction of community service as an alternative to imprisonment for certain categories of convicted offenders. The Institute has also drawn up a regional project proposal on alternatives to imprisonment aimed at sensitizing Governments to new and innovative crime prevention initiatives.

18. Furthermore, the Institute continued its consultations with a number of agencies and individual experts regarding the development of training modules for criminal justice personnel in priority areas of specialization in which many criminal justice systems have indicated an urgent need for training. Special attention has been paid to requests for designing and organizing special courses for prison staff, since the requesting States are unable to do so on their own.

5. Juvenile justice

19. The Institute developed strategies to assist African States in the implementation of the United Nations standards and norms in the field of juvenile justice. In that regard, the Institute has utilized the experience gained from its research undertakings with a number of non-governmental organizations in Uganda. The new strategies will be based on the recommendations of the United Nations seminar on juvenile justice, held in Burkina Faso in 1997, and of the seminar organized by Defence of Children International in Senegal in July 1998, relating to sensitization of the concerned government officials with respect to the Convention on the Rights of the Child (General Assembly resolution 44/25, annex) and the Charter on the Rights and Welfare of the African Child. Defence of Children International and the Institute are cooperating in organizing a seminar similar to the one in Senegal, to be held in Uganda in the fourth quarter of 1999.

6. Study on the impact of crime on development in southern African countries

20. The Institute cooperated with the ECA Subregional Development Centre for Southern Africa to implement a study on crime in southern Africa to be carried out in the eight African countries of the subregion. The study will identify the various forms of criminality whose dimensions have not yet been fully examined and their impact fully assessed. The study should be completed later in 1999.

7. Victimization study

21. UNAFRI continued to implement the crime victimization survey, in close cooperation with the University of South Africa. The South African Technikon may also assist in the implementation of the survey. The survey was implemented in Lesotho, South Africa and Swaziland.

8. African Regional Preparatory Meeting for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

22. UNAFRI assisted the Centre for International Crime Prevention and the Government of Uganda in the organization of the African Regional Preparatory Meeting for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was held in Kampala from 7 to 9 December 1998. The meeting called, *inter alia*, for the strengthening of UNAFRI as a regional focal point for crime prevention and criminal justice. The meeting also called on the international community and organizations that support the objectives of the Institute to provide financial and other support to guarantee its capacity to meet its objectives.

III. International cooperation and partnership

23. The cooperation and partnerships established by the Institute over the last several years with the international and regional agencies, institutions participating in the United Nations Crime Prevention and Criminal Justice Programme and donor agencies are improving steadily. Its cooperation with the Centre for International Crime Prevention is of great significance in meeting the goals of African countries in the

field of crime prevention and criminal justice. This cooperation takes two forms, the first of which concerns collaboration on specific activities that achieve common objectives. The second focuses on the role UNAFRI plays in ensuring that African States implement the various United Nations standards and norms in the field of crime prevention and criminal justice. Furthermore, UNAFRI, as part of the United Nations Crime Prevention and Criminal Justice Programme network, continues to develop its activities in accordance with the priorities of the Centre.

24. The Institute continued to receive the active support, assistance and guidance of ECA, its sponsoring agency.

25. The Institute benefited from its continuing technical cooperation and partnership with the Departments of Justice and State of the Government of the United States of America, in particular with reference to the two ongoing projects on extradition and mutual legal assistance, and trafficking in firearms and ammunition in Africa. Furthermore, a number of African Governments are collaborating with the Institute on specific activities. The Institute is seeking to establish contacts and technical cooperation with many other agencies both in Africa and elsewhere.

26. The Institute participated in a number of international regional and national conferences, seminars and workshops. Such meetings afford an opportunity to the Institute to establish new contacts and to publicize its goals and objectives more widely. The Institute has continued to cooperate very closely with the host country, Uganda.

27. The support and assistance of the Government of Uganda to the Institute have contributed greatly to its continued existence and vitality. During the reporting period, Uganda also provided the first elected Chairman of the Governing Board of UNAFRI.

IV. Funding and support

28. The total resources of the Institute for 1999 amounted to $403,407. Those funds were derived from (a) assessed contributions from member States ($24,126); (b) the 1998 portion of the United Nations grant ($88,043); (c) grants for specific projects ($246,471); (d) other income received from the rental of parts of the premises and facilities of the African Institute and interests on deposits ($44,767).

A. Assessed financial contributions of member States

29. Rwanda, the Sudan, Tunisia and Uganda paid their assessed contributions for the period 1998-1999, which amounted to $24,126. The outstanding balance in assessed financial contributions of member States is immense. As at July 1999, out of total assessed contributions of $2,540,816 for the period from 1989 to 1999, only $333,294 had been received, leaving an outstanding balance of $2,207,522. Contributions have so far been received from 14 member States, while 15 member States have never made any contribution to the Institute.

B. United Nations

30. The United Nations grant to the Institute, which has continued since the biennium 1992-1993, provides a critical reliable basis for the existence of the Institute. Of the approved grant of $204,800 for the period 1998-1999 to cover the salaries of the Director and Deputy Director of the Institute and other administrative expenses, $88,043 was spent in 1998, leaving a balance of $114,357 available to meet the salaries of the Director and Deputy Director and administrative expenses during 1999.

C. Grants for funded projects

31. The first phase of the African extradition and mutual legal assistance project was completed in April 1998. The unspent project funds of $47,000 were earmarked towards updating the database. The setting up of a home page on the Internet was also finalized, thereby exhausting the balance on the grant received from the National Institute of Justice of the United States.

D. Other sources of income

32. The Institute continued to rent its unused premises in order to generate income to be used in part to offset administrative expenses. That activity generated income amounting to $41,639, in addition to interest on deposits amounting to $3,128.

E. Additional resources required

33. In its 1998 report, the Institute had requested additional funding of $658,749 to finance specific approved activities for the period 1998-1999. However, that request was not approved by the General Assembly and consequently the activities could not be carried out. A new request is now being submitted for the following new activities included in the programme of work of the Institute for the period 1999-2000:

(a) Training workshops and seminars:

(i) A seminar on the development and implementation of joint strategies and modalities to deal with transnational criminality in Africa ($129,000);

(ii) A seminar on the development of effective strategies to lower the impact of crime in countries facing political transition ($55,000);

(iii) A series of seminars and workshops on capacity-building against transnational auto theft in Africa ($250,000);

(b) Research:

(i) Implementation of the next phase of the African survey on crime/victimization and criminal justice administration (two countries) ($55,750);

(ii) An action-oriented study on the resettlement of street children ($55,750);

(c) Establishment and operationalization of a library, information and documentation centre, including production of reports and publishing of the journal of the Institute ($15,500);

(d) Reinstatement of core Professional staff ($87,749);

(e) Participation of representatives of the Institute in meetings relating to crime prevention and criminal justice ($10,000).

V. Strategies to sustain the Institute

34. UNAFRI was established as the focal point of the United Nations in the African region to promote active cooperation between Governments, other institutions and experts on issues related to crime prevention and criminal justice. The Institute has the mandate to assist African countries in strengthening their capacity to prevent and control crime. For almost one decade, the Institute has been a reliable partner for Governments of the African continent to assist in the improvement of their administration of criminal justice. The international community, in particular the African States as the constituency of the Institute, are determined to achieve the goal of ensuring that criminal justice systems are effective and efficient so that there are no safe havens for criminals, in particular in cases of transnational crime.

35. The mission of the Institute is more important than ever. In addition to the traditional forms of crime, new forms, such as organized crime, economic crimes and crimes against the environment, are being committed more frequently in the African region. Criminal justice systems in Africa are not fully prepared to combat those crimes. The absence of effective and efficient criminal justice systems will have negative repercussions on public security. In addition, innovative crime prevention strategies are not in place, which may ultimately lead to more victims of crime in many African countries.

36. Technical assistance in crime prevention and criminal justice should become an integral part of country programmes, as sustainable development efforts will only be successful if a functioning criminal justice system is in place. Crime is a major impediment to national sustainable growth and development and undermines efforts to alleviate poverty in African countries. The Institute has designed appropriate programmes to help Governments to improve their criminal justice systems and to allow for the development of crime prevention strategies for Africa that can contribute significantly to the alleviation of poverty and to sustainable development in Africa. The Institute stands ready to contribute components to civil society initiatives in the context of national development planning. In addition, anti-corruption projects and projects aimed at preventing abuse of power could be offered by the Institute, as well as comprehensive safer city programmes that focus on the prevention of urban crime. The Institute will continue to provide its assistance to African States by providing legal advisory services and training for criminal justice personnel and by conducting action-oriented research and studies on innovative crime prevention initiatives.

37. In spite of the important mission of the Institute and its substantive competence to implement its mission, its operational resources have continued to decrease as a result of the major economic transformations of African member States. In addition to its conventional sources of funding, new resource mobilization strategies are required to ensure an adequate financial basis for the operational activities of the Institute. The Institute has therefore reoriented its programmes so as to bring them in line with the new

strategic direction of the United Nations Crime Prevention and Criminal Justice Programme network, as well as the development programme priorities of donor agencies.

38. The General Assembly may wish to take appropriate affirmative action to ensure that the Institute is provided with the necessary resources for the implementation of its work programme. Without adequate funding, the activities of the Institute will remain piecemeal efforts, inadequate to provide member States with comprehensive assistance in controlling and preventing crime in Africa.

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Advancement of women

Traditional or customary practices affecting the health of women

Report of the Secretary-General

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I. Introduction

1. In its resolution 53/117 of 9 December 1998, on traditional or customary practices affecting the health of women and girls, the General Assembly recalled relevant previous resolutions and decisions and those of other intergovernmental bodies of the United Nations and the pronouncements of various United Nations global conferences with respect to traditional or customary practices affecting the health of women and girls, and called on States to ratify human rights treaties and to report to the committees established under those instruments on measures taken to eliminate such practices. It also reaffirmed the obligations contained in United Nations human rights instruments and asserted that such practices constituted "a definite form of violence against women and girls and a serious form of violation of their human rights", expressing concern at "the continuing large-scale existence of such practices".

2. Welcoming the efforts undertaken by United Nations bodies, programmes and organizations, including those of the Special Ambassador for the Elimination of Female Genital Mutilation of the United Nations Population Fund (UNFPA), the General Assembly made several recommendations for action directed at Member States, intergovernmental bodies, specialized agencies, United Nations bodies, United Nations human rights treaty bodies and non-governmental organizations.

3. In resolution 53/117 the Assembly requested the Secretary-General to report to it at its fifty-fourth session on the implementation of the resolution, with a special focus on national and international developments. The present report is submitted in accordance with that request and is based, *inter alia*, on information contained in replies to a request of the Secretary-General for information on the issue received from Member States, specialized agencies and other United Nations entities as well as civil society organizations.[1]

4. Traditional or customary practices affecting the health of women and girls will also be considered in the context of review and appraisal of the implementation of the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women [2] during the special session of the General Assembly, Women 2000: Gender Equality, Development and Peace for the Twenty-first Century, in June 2000.

II. Measures taken at the national and regional levels

5. As at 25 August 1999, 22 Member States had responded to the Secretary-General's request for information on the implementation of General Assembly resolution 53/117.

Legal measures

6. Several Member States described criminal provisions that addressed bodily injury, noting that they were also applicable to some harmful traditional practices, such as female genital mutilation. Spain reported that its criminal law prohibited any kind of harm to the integrity of another's body, while Ecuador reported on its law prohibiting any physical, sexual and psychological violence against women.

7. Several Member States reported on law reforms which were specifically directed at harmful traditional practices. The United Republic of Tanzania described recent legislation which criminalized female genital mutilation and established penalties, including fines and imprisonment. Currently 10 countries where female genital mutilation is practised widely[3] have enacted laws to criminalize the practice. Several States, including Canada, with immigrant or refugee populations that practise female genital mutilation, reported that they had enacted legislation to prohibit it.

8. Some Member States reported on legal measures to address harmful traditional practices other than female genital mutilation. Belize reported that legislative bills to increase the customary and legal age of marriage for girls from minority populations had been introduced. Ghana reported on an amendment to its Criminal Code which criminalized customary or ritual enslavement of any kind. That legislation criminalized, *inter alia*, the practice of *trokosi*, whereby families gave virgin girls to priests as appeasement for past crimes committed by family members.

Policy measures

9. Several Member States described policy measures aimed at eliminating harmful traditional or customary practices. The Democratic Republic of the Congo reported on an action plan, under preparation, to eliminate female genital mutilation. The Philippines indicated that it would introduce a nationwide monitoring mechanism, with research and advocacy capacity, to eliminate harmful traditional practices, many of which might not be known to the Government.

10. The Netherlands, where harmful traditional or customary practices are practised by immigrant groups, reported on guidelines targeted at individuals who might be confronted with reports of proposed or completed female genital mutilation of girls.

11. Canada, Denmark and the Netherlands reported on guidelines or modules aimed at eradicating such practices which formed part of their bilateral development assistance and international cooperation efforts. Denmark also noted that the action included support for local non-governmental organizations working to prevent such practices.

Capacity-building

12. Denmark, El Salvador, Georgia, the Philippines, Syrian Arab Republic and the United Republic of Tanzania provided information on awareness-raising campaigns and human rights education programmes aimed at eliminating violence against women and achieving gender equality. Several countries — particularly those with laws that prohibit female genital mutilation — also reported on education or outreach programmes which they had funded or executed.

13. Specific measures to increase the capacity of community members to eliminate harmful traditional practices were reported by Canada and Denmark. Canada noted that an immigrant women's community group had been funded to engage in outreach and awareness-raising and sensitization campaigns on the issue of female genital mutilation for women and girls from the communities in which female genital mutilation was practised. Health professionals and other service providers who came in contact with the women and girls were also funded.

14. Denmark and the Netherlands reported on efforts to eliminate female genital mutilation in refugee and immigrant communities. Denmark reported on information campaigns directed at refugee families, comprising printed material, video films, meetings and support for local groups. An important part of the campaign, which would be evaluated during 1999, had been the integration of affected immigrant groups in the formulation and execution of preventive action. Canada reported on a project to determine the information needs of health care providers serving women and children who had been subjected to female genital mutilation and to a "best methods" approach for information dissemination.

15. Turkey reported on its intention to initiate public education campaigns, to be carried out in coordination with non-governmental organizations, on honour killings.

III. Measures taken within the United Nations system

A. General Assembly

16. The special session of the General Assembly for the review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development[4] (30 June-2 July 1999) adopted key actions for further implementation of the Programme of Action,[5] which recommended, *inter alia*, that "Governments should promote and protect the human rights of the girl child and young women, which include economic and social rights as well as freedom from coercion, discrimination and violence, including harmful practices and sexual exploitation".[6] It also recommended that Governments review all legislation with a view to amending and revoking that which discriminates against girl children and young women and take firm measures to eliminate "harmful and discriminatory attitudes, including son preference, which can result in harmful and unethical practices such as prenatal sex selection, discrimination and violence against the girl child and all forms of violence against women, including female genital mutilation, rape, incest, trafficking, sexual violence and exploitation."[7] Training health care providers to serve clients who have been subjected to harmful practices, such as female genital mutilation, and promoting men's understanding of their roles and responsibilities with regard to promoting the elimination of harmful practices, such as female genital mutilation, were also called for.

B. Commission on the Status of Women

17. The Commission on the Status of Women at its forty-third session in 1999 adopted agreed conclusions on women and health.[8] The agreed conclusions recommended that Governments, the United Nations system and civil society take appropriate action to eradicate the practice of female genital mutilation, and other harmful traditional and customary practices affecting the health of women and girls. The agreed conclusions recognized that such practices constitute a definite form of violence against women and girls and a serious form of violation of their human rights. Development of appropriate policies and enactment and/or reinforcement of legislation, appropriate education and advocacy tools, and adoption of legislation outlawing their practice by medical personnel were recommended. The agreed conclusions also recommended that all necessary measures be taken to prevent all harmful practices, including

early marriages, forced marriages and threats to women's right to life.

C. Commission on Human Rights

18. At its fifty-fifth session, the Commission on Human Rights adopted several decisions and resolutions which refer to harmful traditional practices. In its resolution 1999/42, on the elimination of violence against women, the Commission strongly condemned female genital mutilation and other traditional practices harmful to women, since they constituted a definite form of violence against them and a serious violation of their human rights. States were called upon to condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence.[9]

19. Female infanticide was addressed in the Commission's resolution 1999/80, on the rights of the child, with States being called upon to eliminate the root causes of son preference which resulted in harmful and unethical practices, and to eradicate traditional or customary practices, particularly female genital mutilation, that were harmful to women and girls and that violated their human rights. In resolution 1999/81, the Commission also decided to approve the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities that the mandate of the Special Rapporteur on traditional practices affecting the health of women and the girl child be extended in order to ensure the completion of her task.

Sub-Commission on the Promotion and Protection of Human Rights[10]

20. At its fifty-first session, the Sub-Commission on the Promotion and Protection of Human Rights discussed traditional practices affecting the health of women and the girl child, and the report of the Special Rapporteur on traditional practices affecting the health of women and the girl child.[11] The Subcommission appealed to all States concerned to intensify efforts to develop awareness of and mobilize national public opinion concerning the harmful effects of female genital mutilation, in particular through education, information and training, in order to achieve its total elimination. It also requested all non-governmental organizations dealing with women's issues to devote some of their activities to the study of the various harmful traditional practices and ways of eradicating them and appealed to the international community to provide material, technical and financial support to non-governmental organizations and groups working to achieve the total elimination of such practices.

Special Rapporteur on traditional practices affecting the health of women and the girl child

21. The third report of the Special Rapporteur provided a survey of the subject and a summary of action taken nationally and internationally to combat harmful traditional practices.[12]

22. The report highlighted the Ouagadougou Declaration adopted by parliamentarians, government Ministers, and members of the Inter-African Committee (IAC) on Traditional Practices Affecting the Health of Women and Children at a workshop for members of the West African Economic and Monetary Union (UEMOA) held in Ouagadougou, Burkina Faso, in May 1999.[13] The Declaration called for the adoption of national legislation condemning female genital mutilation, ratification of relevant human rights treaties; the creation of national networks of religious and customary leaders and of traditional and modern communicators with a view to setting up subregional networks; the establishment of a mechanism of collaboration with and support to IAC national committees through groups such as parliamentarians, jurists, media personnel, police forces and health professionals; the establishment of special services to control the migratory flow of circumcisers; and the creation of a subregional follow-up mechanism in collaboration with IAC national committees within the UEMOA region.

23. The Special Rapporteur warned against the dangers of "demonizing cultures under cover of condemning practices harmful to women and the girl child"[14] and called on countries with large immigrant populations to introduce programmes to combat traditional practices in accordance with their national laws, but always with due respect for the cultural values of those populations and without denigrating their cultures. She noted the increase in the numbers of individuals and non-governmental organizations that had addressed the issue of harmful traditional practices, particularly in regard to consciousness-raising, information, training and providing material and financial assistance.[15]

The Special Rapporteur on violence against women, its causes and consequences

24. The Special Rapporteur on violence against women submitted a report on policies and practices that affect women's reproductive rights and contribute to, cause or constitute violence against women to the Commission on Human Rights at its fifty-fifth session.[16] The report notes

that some practices that violated women's reproductive rights resulted from an attempt by patriarchal power structures to control women's sexual and reproductive capacities. In her analysis, cultural practices such as female genital mutilation, child marriages and early child-bearing, sex-selective abortion/female infanticide were a consequence of son preference and the lack of measures to redress the situation. The Special Rapporteur indicated that those practices constituted violence against women and violated women's human rights, and recalled that the Convention on the Elimination of All Forms of Discrimination against Women,[17] the Convention of the Rights of the Child,[18] the Declaration on the Elimination of Violence against Women,[19] and the Beijing Declaration and Platform for Action[2] all required States to refrain from invoking any custom, tradition, or religious consideration to justify cultural practices that constituted violence against women and violations of women's reproductive health.

25. On 17 February 1999, the Special Rapporteur on violence against women issued a joint statement with the Special Rapporteur on traditional practices affecting the health of women and girl children with regard to the decision of a French court to sentence a woman convicted of excising 50 girls to eight years imprisonment. The statement indicated that female genital mutilation was considered by a number of societies to be an initiation rite which allowed the girl child to integrate into the community and stressed the importance of training, information and education as effective means to combat harmful traditional practices and noted that judicial decisions should be a last recourse in that context.

Special Rapporteur on the situation of human rights in Somalia

26. In her report to the Commission on Human Rights at its fifty-fifth session, the Special Rapporteur on the situation of human rights in Somalia reported that more than 95 per cent of Somali women underwent female genital mutilation. She noted that it seemed that younger women were more hesitant about the practice, while the older generation of women often supported the practice more than men.

D. Human rights treaty bodies

27. The Committee on the Elimination of Discrimination against Women, at its twentieth session in 1999, adopted general recommendation 24 on article 12 of the Convention: women and health. General recommendation 24 emphasized that some cultural or traditional practices such as female genital mutilation carried a high risk of death and disability, and recommended that States parties should ensure the enactment and effective enforcement of laws that prohibited female genital mutilation and the marriage of girl children.[20]

28. The Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Human Rights Committee considered harmful traditional and customary practices in their review of States parties' reports. At its twentieth session, the Committee on the Elimination of Discrimination against Women expressed concern at the growing disparity in the male/female sex ratio at birth in China and its relationship to the country's discriminatory tradition of son preference.[21] At its twenty-first session, the Committee's concluding comments on the initial report of Nepal expressed concern that traditional customs and practices detrimental to women and girls, such as child marriage, dowry, polygamy, *deuki* (a tradition of dedicating girls to a god or goddess, who became "temple prostitutes, which persisted, despite the prohibition of the practice by the Children's Act), *badi* (the ethnic practice of forcing young girls to become prostitutes) and discriminatory practices that derived from the caste system were still prevalent.[22]

29. At its twenty-first session, the Committee on the Rights of the Child expressed its concern at the persistent practice of female genital mutilation in Benin, Chad, Guinea and Yemen. Early and forced marriages were also raised as issues of concern with regard to Benin.

30. At its sixty-fifth session, in its concluding comments on the initial report of Lesotho, the Human Rights Committee expressed concern about the practice of female genital mutilation which continued to exist in parts of the country. At the same session, in its concluding observations on the third periodic report of the United Republic of Tanzania, the Committee welcomed the recent changes in the law which criminalized female genital mutilation.

31. The recommendations of each of these human rights treaty bodies with regard to the elimination of harmful traditional and customary practices included implementation of policy and punitive measures, coordination with civil society, including women's groups, organization of awareness-raising campaigns and sensitization, and education programmes.

E. Regional commissions

32. The Economic Commission for Latin America and the Caribbean (ECLAC), recognizing the need to adopt an integral and intersectoral approach in gender mainstreaming efforts, reported that it planned to address gender problems related to health matters during the forthcoming Latin American and Caribbean Symposium on Older Persons which would be held in Santiago, Chile, from 8 to 10 September 1999, organized by the Latin America and the Caribbean Demographic Centre (CELADE), and sponsored by UNFPA and the Pan-American Health Organization (PAHO). ECLAC's Women and Development Unit had organized a course on gender and health at the Universidad de Chile in September 1998.

F. Specialized agencies, funds and programmes

UNICEF

33. UNICEF had identified female genital mutilation as one of its programme priorities for 1998-2000 in countries where the practice was prevalent. At the global level, its main focus has been advocacy, programme guidance and resource mobilizations, often through collaboration with UNFPA and the World Health Organization (WHO). UNICEF works closely with international and national non-governmental organizations and local women's groups to develop and implement community-based initiatives for the elimination of female genital mutilation.

UNFPA

34. UNFPA continued to address harmful traditional practices such as female genital mutilation and early marriage because of their impact on women's reproductive and sexual health and as violations of women's fundamental human rights. During the reporting period, UNFPA continued to support information and education campaigns for parents, teachers and community leaders, including religious leaders, and advocacy efforts to sensitize policy makers, parliamentarians and other decision makers.

WHO

35. During 1998, WHO published "Female genital mutilation: an overview" to assist government agencies and non-governmental organizations working to eliminate female genital mutilation. A systematic review of research on the health complications of female genital mutilation, with a narrative sequelae in childbirth, was also published in 1999, as was a framework for the collection and analysis of primary data on the socio-economic and cultural aspects of female genital mutilation.

36. WHO continued to support African Governments to develop national policies and plans of action on female genital mutilation. Other activities of WHO included a two-day study conference organized with the European Committee of the Regions (European Union) and the city of Goteberg, Sweden, which adopted the Goteberg Declaration on female genital mutilation in 1998.

IV. Conclusion

37. Replies received from Member States indicated that traditional and customary practices affecting the health of women and girls, in particular female genital mutilation, continued to be the subject of national action. During the reporting period, several States introduced specific legal measures aimed at the eradication of such practices. Education and public awareness-raising campaigns had been launched or were being continued and their impact assessed. Several States indicated that research initiatives to determine the extent and effect of such practices had also been established or continued. Important regional initiatives, including the Ouagadougou Declaration, had also been taken, indicating the increase in political will to address such practices. Similarly, the Organization of African Unity First Ministerial Conference on Human Rights in Africa, held from 12 to 16 April 1999 at Grand Bay, Mauritius, also urged all African States to work assiduously towards the elimination of discrimination against women and the abolition of cultural practices that dehumanized or demeaned women and children.

38. Replies emphasized the important role of community and religious leaders in the eradication of harmful traditional and customary practices. Their efforts, and those of non-governmental organizations, in education and advocacy remained key to addressing such practices.

39. Research activities at the national and regional levels, the development of national policies, and the establishment and/or strengthening of a national monitoring and implementation mechanism needed to be undertaken. Adoption and implementation of effective legal measures for the elimination of all forms of harmful traditional practices were crucial to the creation of a conducive environment. Information on such legal measures must be accessible to a broad range of people and disseminated on a wide scale. Advocacy and education efforts through public

information campaigns and development of appropriate training and education materials were also crucial. Furthermore, where harmful practices formed part of a ritual ceremony or rite of passage, it was effective to explore alternatives through consultations with all of the members of a community, including women and girls, religious and cultural groups and their leaders. The sensitization of excisers and defenders of harmful traditional practices needed to be intensified at the community and national levels. Alternative means of income for excisers should also be explored.

Notes

[1] Replies were received from Belize, Canada, El Salvador, Georgia, Hungary, Jamaica, Mauritius, Mexico, Netherlands, Oman, Paraguay, Philippines, Saudi Arabia, Spain, Suriname, Syrian Arab Republic, Trinidad and Tobago, Turkey, United Arab Emirates, United Republic of Tanzania, the Economic Commission for Africa (ECA), the Economic Commission for Latin America and the Caribbean (ECLAC), UNFPA, UNICEF, and WHO. One non-governmental organization, the Center for Reproductive Law and Policy, also submitted information.

[2] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[3] Burkina Faso, Central African Republic, Djibouti, Ghana, Guinea, Senegal, Togo, Côte d'Ivoire, Egypt and United Republic of Tanzania.

[4] See *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.7), chap. I, resolution 1, annex.

[5] A/S-21/5/Add.1.

[6] Ibid., para. 42.

[7] Ibid., para. 48.

[8] *Official Records of the Economic and Social Council, 1999, Supplement No. 7* (E/1999/27).

[9] Ibid., *Supplement No. 3* (E/1999/23 (Part I)).

[10] Formerly known as the Sub-Commission on Prevention of Discrimination and Protection of Minorities. See E/CN.4/1999/104.

[11] E/CN.4/Sub.2/1999/L.10/Add.7.

[12] E/CN.4/Sub.2/1999/14.

[13] Ibid., annex.

[14] E/CN.4/Sub.2/1999/14, para. 78.

[15] Ibid., para. 80.

[16] E/CN.4/1999/68/Add.4.

[17] See General Assembly resolution 34/180.

[18] See General Assembly resolution 44/25.

[19] See General Assembly resolution 2263 (XXII).

[20] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 38* (A/54/38), part I, chap. I, sect. A.

[21] Ibid., chap. IV, para. 299.

[22] Ibid., part II.